REMARKS

The Examiner's objections to the specification have been addressed with the specification amendments requested above. In addition, the applicants have made some other minor corrections to the specification, correcting spelling and a figure reference numeral.

Claims 1-7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Le Strat et al. (U.S. Patent Number 6,134,220, hereinafter "Le Strat"). The applicants respectfully disagree with these rejections and request reconsideration. Unrelated to patentability, the applicants have amended claim 1 to fix an obvious verb-form error ("schedule" to "scheduling") and have amended claim 4 to correct a typographical error. Also, the applicants have added new claims 8-19, which are supported primarily by specification pages 6-8 and FIG. 9 and which are believed novel and non-obvious in view of the cited art.

Independent claim 1 recites (emphasis added) "**scheduling the plurality of mobile units for data transmission** based on their power control feedback information." Independent claim 5 recites (emphasis added) "[a]n apparatus for **scheduling mobile units for data transmission**, the apparatus comprising: ... a **scheduler** having the power-control statistic as an input and **outputting scheduled mobile units** based on the power control statistic." Thus, the independent claims rejected in view of Le Strat both recite scheduling mobile units for data transmission. However, the applicants submit that Le Strat does not teach or suggest such functionality.

For example, Le Strat column 7, lines 4-25 is cited in support of the rejection of claims 1 and 5. Le Strat column 6, line 46 - column 7, line 25 reads (emphasis added):

> In one advantageous embodiment of the invention said **selection of a coding mode** allows additionally for at least one of the following:
> a required level of quality for the call in progress,
> a required level of quality for at least one transmission direction and for the call in progress,
> a type of service conveyed by said call,

the traffic load.
The **selection of a coding mode** preferably includes a step of comparing information representative of the transmission quality with at least one predetermined threshold, to be more precise with the same number of thresholds as coding modes.
Said quality information is advantageously compared with different thresholds according to the level of quality required for the call in progress, if there is more than one level of quality.
It is advantageous to define two sets each of at least one threshold, a first set being used when the measured transmission quality deteriorates and a second set being used when the measured transmission quality improves.
This avoids incessant changing of modes when the measured level is near a threshold (this is known as the "ping-pong" effect).
Said thresholds are preferably predetermined values of the signal to interference ratio (C/I).
In a preferred embodiment **the decision to change coding mode and/or transmission mode is taken in said base transceiver station**, said mobile station transmitting to said base transceiver station information representative of transmission quality in the base transceiver station to mobile station direction.
More generally, the method of the invention preferably includes a step of **selecting between at least two source codes and/or a step of selecting between at least two channel codes.**
Said selection of a coding mode is carried out in such manner as to limit the quantity of resource allocated in each transmission direction and/or to optimize transmission quality.
For example, **a source code and a channel code may be chosen** to maintain the current raw bit rate as far as possible, and therefore to offer the best possible transmission quality without modification of the resource, or to provide the best possible transmission quality subject to modification of the resource.

The Examiner appears to be asserting that Le Strat's coding mode selection teaches the scheduling functionality claimed in the present application. Le Strat teaches "selection of a coding mode" and "selecting between at least two source codes and/or a step of selecting between at least two channel codes," while the claims 1 and 5 recite scheduling mobile units for data transmission.

Even if "scheduling" were replaced with "selecting," claims 1 and 5 involve mobile units for data transmission, not coding modes. Moreover, the applicants submit that code rate selection and resource allocation, as taught by Le Strat, are functions performed in a communication system for all mobiles. That is, mobiles are always given some rate/resources. In contrast, claims 1 and 5 recite scheduling mobile units for data transmission itself. The applicants cannot find any reference to scheduling in Le Strat.

Since none of the references cited, either independently or in combination, teach all of the limitations of base claims 1 and 5, or therefore, all the limitations of their respective dependent claims, the applicants assert that neither anticipation nor a prima facie case for obviousness has been shown. No remaining grounds for rejection or objection being given, the applicant now respectfully submits that the claims in their present form are patentable over the prior art of record, and are in condition for allowance. As a result, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. **502117 -- Motorola, Inc.**

Respectfully submitted,
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